

Senate File 363 - Introduced

SENATE FILE 363

BY ZAUN

A BILL FOR

1 An Act relating to the rental of dwelling units and
2 manufactured or mobile home spaces by preempting certain
3 regulations by cities and counties and the rights of
4 landlords to terminate rental agreements.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.304, subsection 11, Code 2017, is
2 amended to read as follows:

3 11. A county shall not adopt or enforce any ordinance or
4 regulation in violation of ~~section 562A.27B~~ chapters 562A or
5 562B.25B 562B.

6 Sec. 2. Section 364.3, subsection 11, Code 2017, is amended
7 to read as follows:

8 11. A city shall not adopt or enforce any ordinance or
9 regulation in violation of ~~section 562A.27B~~ chapter 562A or
10 562B.25B 562B.

11 Sec. 3. NEW SECTION. **562A.2A Uniform application.**

12 To provide for the uniform application of the provisions
13 of this chapter, it is intended that the sole regulation of
14 the rental of dwelling units and the rights and obligations of
15 landlords and tenants shall be under the provisions of this
16 chapter, and a city, county, or other governmental entity
17 within this state shall not adopt or make any local ordinance,
18 rule, or regulation relating to the rental of dwelling units
19 and the rights and obligations of landlords and tenants. All
20 such local ordinances, rules, or regulations shall be void,
21 unenforceable, and of no force or effect as of July 1, 2017.

22 Sec. 4. Section 562A.30, subsection 1, Code 2017, is amended
23 to read as follows:

24 1. Acceptance of performance by the tenant that varies from
25 the terms of the rental agreement or rules subsequently adopted
26 by the landlord constitutes a waiver of the landlord's right
27 to terminate the rental agreement for that breach, unless the
28 landlord and the tenant otherwise agree after the breach has
29 occurred.

30 Sec. 5. Section 562A.30, Code 2017, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 3. Except as provided in this chapter, if
33 rent is unpaid when due and there is any outstanding balance
34 owed by the tenant to the landlord, the entire outstanding
35 balance shall be considered rent and shall not constitute

1 a waiver of the landlord's right to terminate the rental
2 agreement for that breach in accordance with section 562A.27,
3 subsection 2.

4 Sec. 6. NEW SECTION. 562B.2A Uniform application.

5 To provide for the uniform application of the provisions of
6 this chapter, it is intended that the sole regulation of the
7 rental of manufactured or mobile home spaces and the rights
8 and obligations of landlords and tenants shall be under the
9 provisions of this chapter, and a city, county, or other
10 governmental entity within this state shall not adopt or make
11 any local ordinance, rule, or regulation relating to the
12 rental of manufactured or mobile home spaces and the rights
13 and obligations of landlords and tenants. All such local
14 ordinances, rules, or regulations shall be void, unenforceable,
15 and of no force or effect as of July 1, 2017.

16 Sec. 7. Section 562B.28, Code 2017, is amended to read as
17 follows:

18 562B.28 Waiver of landlord's right to terminate.

19 1. Acceptance of performance by the tenant that varied
20 from the terms of the rental agreement or rules subsequently
21 adopted by the landlord constitutes a waiver of the landlord's
22 right to terminate the rental agreement for that breach, unless
23 otherwise agreed after the breach has occurred.

24 2. Except as provided in this chapter, if rent is unpaid
25 when due and there is any outstanding balance owed by the
26 tenant to the landlord, the entire outstanding balance shall
27 be considered rent and shall not constitute a waiver of the
28 landlord's right to terminate the rental agreement for that
29 breach in accordance with section 562B.25, subsection 2.

30	EXPLANATION
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31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill prohibits cities and counties from adopting or
34 enforcing an ordinance or regulation that contradicts the
35 provisions of Code chapter 562A or 562B.

1 Under current law, a landlord's acceptance of a tenant's
2 performance that varies from the terms of a rental agreement or
3 subsequent rules adopted by the landlord constitutes a waiver
4 of the landlord's right to terminate the rental agreement for
5 that breach. The bill provides that such an acceptance is not
6 a waiver if the parties otherwise agree after the breach has
7 occurred.

8 The bill provides that if rent is unpaid when due and there
9 is any outstanding balance owed by the tenant to the landlord,
10 the entire outstanding balance shall be considered rent and
11 shall not constitute a waiver of the landlord's right to
12 terminate the rental agreement for that breach.